

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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LEON DAVIS,

Petitioner,

Case Number: 05-CV-72236

v.

ANDREW JACKSON,

Respondent.

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**OPINION AND ORDER DENYING PETITIONER'S "MOTIONS TO  
REQUEST APPOINTMENT OF COUNSEL" AND DENYING  
PETITIONER'S "MOTIONS FOR EXTENSION OF TIME"**

Petitioner Leon Davis, a state inmate currently incarcerated at the Mound Correctional Facility in Detroit, Michigan, has filed a *pro se* petition for a writ of habeas corpus. Now before the Court are Petitioner's "Motions to Request Appointment of Counsel" and "Motions for Extension of Time."

Petitioner filed two "Motions to Request Appointment of Counsel," within a two-week time span. Petitioner does not explain why he filed two motions. There exists no constitutional right to the appointment of counsel in civil cases, and the court has broad discretion in determining whether counsel should be appointed. *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6<sup>th</sup> Cir. 1987) ("[A]ppointment of counsel in a civil case is . . . a matter within the discretion of the court. It is a privilege and not a right.") (internal quotation omitted). A habeas petitioner may obtain representation at any stage of the case "[w]henver the United States magistrate or the court determines that the interests of justice so require." 18 U.S.C. § 3006A(a)(2)(B). In the instant case, the court determines after careful consideration that the

interests of justice do not require appointment of counsel at this time. The court, therefore, will deny the motions.

Petitioner also has filed two motions seeking an extension of time within which to file a reply to Respondent's answer in opposition to the habeas petition. Again, Petitioner filed the motions within two weeks of one another and did not explain why he filed two motions. Since filing his "Motions for Extension of Time," Petitioner has filed a pleading entitled "Petitioner, Brief" [Dkt. # 27]. Petitioner apparently intended that pleading to serve as his reply to Respondent's answer in opposition. The brief as such was accepted for filing and docketed by the court and Petitioner need take no further action. Petitioner's motions for an extension of time will therefore be denied as moot.

Accordingly, IT IS ORDERED that Petitioner's "Motions to Request Appointment of Counsel" [Dkt. # 24 & # 26] are DENIED.

IT IS FURTHER ORDERED that Petitioner's "Motions for Extension of Time" [Dkt. # 23 & # 25] are DENIED.

S/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: July 21, 2006

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, July 21, 2006, by electronic and/or ordinary mail.

S/Lisa Wagner  
Case Manager and Deputy Clerk  
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